

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

IN RE: PRE-FILLED PROPANE TANK
ANTITRUST LITIGATION

Case No. 14-md-02567
Judge Gary A. Fenner

This Document Relates To All Actions

**MOTION FOR APPOINTMENT OF INTERIM CO-LEAD AND LIAISON COUNSEL
FOR THE DIRECT PURCHASER CLASS**

Plaintiffs Glenville Shell, LLC, Lochraven Sunoco, Inc., Morgan-Larson LLC, Arrow Hardware, LLC, American Auto Repair, Johnson Auto Electric Inc., Cedar Holly Investments, LLC, Cefo Enterprise Corp., Tuckerton Lumber Co., Ace High Auto Repair & Propane, JonWall, Inc., d/b/a The Original Tom Thumb, RC Gasoline, Speed Stop 32, Inc. d/b/a Towns Mart Marathon, Zarco USA, Inc., Dunmore Oil Co., Inc., Jojo Oil Co., Inc. d/b/a Airline Petroleum Company, Economy Enterprises Inc. d/b/a EKE Markets, and Yocum Oil Company, Inc. respectfully move for appointment of Cohen Milstein Sellers & Toll PLLC (“Cohen Milstein”), Berger & Montague, P.C., and Susman Godfrey L.L.P. as interim co-lead counsel for the proposed direct-purchaser class. Plaintiffs also move to appoint Shaffer Lombardo Shurin, P.C. (“Shaffer Lombardo Shurin”) as liaison counsel for the direct-purchaser class. In support of this Motion, Movants state as follows:

1. To date, more than thirty actions have been brought in six jurisdictions alleging that the two largest suppliers of filled propane tanks, Blue Rhino¹ and AmeriGas,² conspired to

¹ Blue Rhino is the trade name under which Ferrellgas, L.P. does business. Ferrellgas, L.P., and Ferrellgas Partners, L.P. have been named as Defendants in all the Related Actions. For simplicity, these entities will be referred to collectively herein as “Blue Rhino.”

reduce the amount of propane they put in their tanks and thereby raise the per-pound price of propane in violation of federal and state antitrust laws.

2. On October 16, 2014, the United States Panel on Multidistrict Litigation ordered that all related actions be transferred to this Court for coordinated or consolidated pretrial proceedings.

3. On October 22, 2014, this Court entered an Order directing the parties to file applications for a litigation leadership structure to act on behalf of the plaintiffs and serve as interim class counsel. Dkt. No. 2, ¶ 4.

4. Pursuant to Federal Rule of Civil Procedure 23(g)(3), the Court may “designate interim counsel to act on behalf of a putative class before determining whether to certify the action as a class action.” Likewise, the Court may, in its discretion, appoint Liaison Counsel with offices in the same location as the Courthouse to ensure that the case proceeds efficiently.

5. Appointment of Interim Co-Lead Counsel and Liaison Counsel will ensure that the interests of the direct-purchaser class are protected and that the prosecution of this litigation proceeds in an efficient and organized manner.

6. Cohen Milstein Sellers & Toll, PLLC, Berger & Montague, P.C., and Susman Godfrey L.L.P. (together, “Proposed Co-Lead Counsel”) all have extensive experience representing classes in complex antitrust matters of this kind and ample resources to devote to the prosecution of this action. Moreover, Proposed Co-Lead Counsel have already devoted substantial resources to this case: they filed the first direct-purchaser action and have continued to investigate the class’s claims leading to the filing of a detailed amended complaint.

² AmeriGas refers to AmeriGas Partners, L.P., Amerigas Propane, L.P., and UGI Corporation (AmeriGas’s parent corporation). All three entities have been named as Defendants in the Related Actions.

7. Shaffer Lombardo Shurin, P.C. is a highly respected firm with offices in Kansas City Missouri. Shaffer Lombardo Shurin has a wealth of experience litigating class actions such as this and is familiar with the procedures for litigating in the Western District of Missouri.

8. For these reasons and the reasons more fully set forth in the accompanying memorandum of law, Movants respectfully request that the Court enter an order appointing Cohen Milstein Sellers & Toll PLLC, Berger & Montague, P.C., and Susman Godfrey L.L.P. as interim co-lead counsel for the proposed direct-purchaser class and Shaffer Lombardo Shurin, P.C. as liaison counsel for the direct-purchaser class.

Date: November 5, 2014

Respectfully submitted,

/s/ Richard F. Lombardo

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CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2014, I caused the foregoing to be electronically filed with the Clerk of the Court by using the Case Management/Electronic Case Filing (CM/ECF) system, which will send a notice of electronic filing to all parties registered with the CM/ECF system in the above-captioned matter.

Dated: November 5, 2014

/s/ Richard F. Lombardo

Richard F. Lombardo